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GENERAL FILING  
PROCEDURES MANUAL  
DISTRICT COURT

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WESTERN DISTRICT OF MISSOURI

PATRICIA L. BRUNE  
CLERK OF COURT

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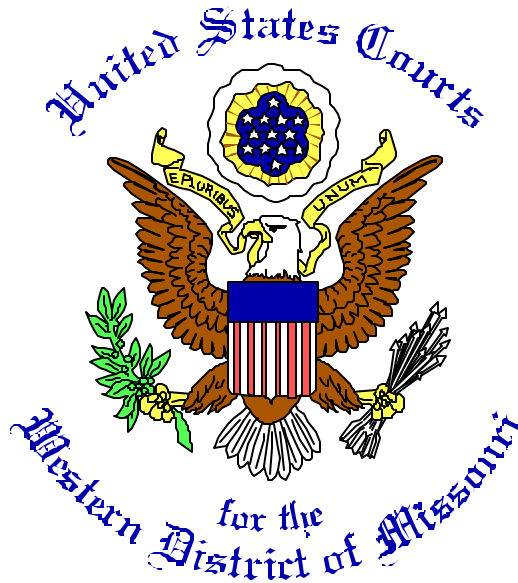
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# FORWARD



In an effort to provide the bar and the public with an informational package to assist in their dealings with the court, we have prepared this General Procedures manual. We hope that the following pages will answer many questions that you may have concerning filing procedures and the processing of documents in this court. We believe that this manual, when used in conjunction with the Federal Rules and the Local Rules of Procedure, will not only be beneficial to those of you who may be familiar with the court, but also the paralegals, secretaries, and pro se litigants who have had little or no contact in the past with the Federal Court system.

My staff and I will do everything possible to assure prompt efficient service. We are here to answer any questions that you may have. Please feel free to contact us for assistance.

Patricia L. Brune  
Clerk of Court

## **GENERAL INFORMATION ABOUT THE COURT**

### **HOURS**

The Clerk's office is open to the public from 9:00 a.m. until 4:30 p.m.

### **LOCATIONS**

#### **WESTERN DIVISION**

Address U.S. District Courthouse  
Patricia L. Brune, Clerk  
400 East Ninth Street, Room 1510  
Kansas City, MO 64106

Telephone Number (816) 512-5000  
Fax Number (816) 512-5078

#### **CENTRAL DIVISION**

Address U.S. District Courthouse  
Glenda Curl, Divisional Manager  
131 W. High Street, Room 310  
Jefferson City, MO 65101

Telephone Number (573) 636-6124  
Fax Number (573) 636-3456

#### **SOUTHERN DIVISION**

Address U.S. District Courthouse  
Jane Kollmeyer, Divisional Manager  
222 N. John Q. Hammons Parkway, Ste. 1400  
Springfield, MO 65806

Telephone Number (417) 865-3869  
Fax Number (417) 865-7719

# GENERAL INFORMATION ABOUT THE COURT

## LOCATIONS (cont.)

### ST. JOSEPH DIVISION

Address U.S. District Courthouse (unstaffed)  
201 S. 8th, Room 229  
St. Joseph, MO 64502

### SOUTHWESTERN DIVISION

Address U.S. District Courthouse (unstaffed)  
302 Joplin Street, Room 206  
Joplin, MO 64801

## JURISDICTION

The Western District of Missouri includes 66 counties:

**Western Division:** Bates, Carroll, Cass, Clay, Henry, Jackson, Johnson, LaFayette, Ray, St. Clair, Saline;

**Central Division:** Benton, Boone, Callaway, Camden, Cole, Cooper, Hickory, Howard, Miller, Moniteau, Morgan, Osage, Pettis;

**Southwestern Division:** Barry, Barton, Jasper, Lawrence, McDonald, Newton, Stone, Vernon;

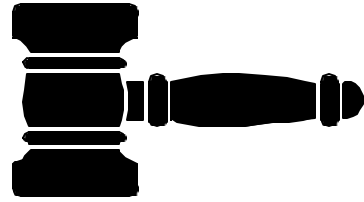
**St. Joseph Division:** Andrew, Atchison, Buchanan, Caldwell, Clinton, Daviess, DeKalb, Gentry, Grundy, Harrison, Holt, Livingston, Mercer, Nodaway, Platte, Putnam, Sullivan, Worth,

**Southern Division:** Cedar, Christian, Dade, Dallas, Douglas, Greene, Howell, Laclede, Oregon, Ozark, Polk, Pulaski, Taney, Texas, Webster, Wright.

# COURT DIRECTORY

## JUDGES AND STAFF

The Western District of Missouri has six District Judges, three Senior District Judges, and five Magistrate Judges.





**! Chief District Judge Dean Whipple**

(Division 1)

8652 U.S. Courthouse

400 East Ninth Street

Kansas City, MO 64106

Secretary: Linda Roberson

Phone: (816) 512-5615

Court Reporter: Barbara Buesing

Phone: (816) 512-5622

Courtroom Deputy: Yvonne Johnson

Phone: (816) 512-5629

**! District Judge Fernando J. Gaitan, Jr.**

(Division 2)

7552 U.S. Courthouse

400 East Ninth Street

Kansas City, MO 64106

Secretary: Marylynn Shawver

Phone: (816) 512-5630

Court Reporter: Donna Turner

Phone: (816) 512-5641

Courtroom Deputy: Rhonda Enss

Phone: (816) 512-5644

**! District Judge Ortrie D. Smith**

(Division 3)

8552 U.S. Courthouse

400 East Ninth Street

Kansas City, MO 64106

Secretary: Karen Hopkins

Phone: (816) 512-5645

Court Reporter: Cynthia Johnson

Phone: (816) 512-5657

Courtroom Deputy: Eva Will-Fees

Phone: (816) 512-5659

**! District Judge Gary A. Fenner**

(Division 4)

8452 U.S. Courthouse

400 East Ninth Street

Kansas City, MO 64106

Secretary: Lisa Mitchell

Phone: (816) 512-5660

Court Reporter: Libby Shinn

Phone: (816) 512-5741

Courtroom Deputy: Tracy Diefenbach

Phone: (816) 512-5674

**! District Judge Nanette K. Laughrey**

(Division 5)

7452 U.S. Courthouse

400 East Ninth Street

Kansas City, MO 64106

Secretary: Jane Casady

Phone: (816) 512-5681

Court Reporter: Katie Wirt

Phone: (816) 512-5608

Courtroom Deputy: Renea Kanies

Phone: (816) 512-5689

**! Senior Judge Elmo B. Hunter**

6452 U.S. Courthouse

400 East Ninth Street

Kansas City, MO 64106

Phone: (816) 512-5690

**! Senior Judge Scott O. Wright**

(Division SOW)  
8662 U.S. Courthouse  
400 East Ninth Street  
Kansas City, MO 64106  
Secretary: Judy Morse  
Phone: (816) 512-5700  
Electronic Court Reporter  
Phone: (816) 512-5000  
Courtroom Deputy: Carolyn Morrison  
Phone: (816) 512-5714

**! Chief Magistrate Judge John T. Maughmer**

7662 U.S. Courthouse  
400 East Ninth Street  
Kansas City, MO 64106  
Secretary: Sandy Rollheiser  
Phone: (816) 512-5745  
Courtroom Deputy: Francine Lavenbarg  
Phone: (816) 512-5759

**! Magistrate Judge James C. England**

222 N. John Q. Hammons Parkway,  
Suite 2200  
Springfield, MO 65806  
Secretary: Mollie Carter  
Phone: (417) 865-7143  
Courtroom Deputy: Alex Martinez  
Phone: (417) 865-3869

**! Magistrate Judge Robert E. Larsen**

6652 U.S. Courthouse  
400 East Ninth Street  
Kansas City, MO 64106  
Phone: (816) 512-5760  
Courtroom Deputy: Sue Anderson-Porter  
Phone: (816) 512-5774

**! Senior Judge Howard F. Sachs**

(Division 6)  
7462 U.S. Courthouse  
400 East Ninth Street  
Kansas City, MO 64106  
Secretary: Ginny Shipley  
Phone: (816) 512-5715  
Court Reporter: John Bowen  
Phone: (816) 512-5726  
Courtroom Deputy: Tenilla Sheehan  
Phone: (816) 512-5729

**! Magistrate Judge William A. Knox**

U.S. Courthouse  
131 W. High Street, Suite 204  
Jefferson City, MO 65101  
Secretary: Kay Bode  
Phone: (573) 636-5208  
Courtroom Deputy: Jackie Price  
Phone: (573) 636-6124

**! Magistrate Judge Sarah W. Hays**

6672 U.S. Courthouse  
400 East Ninth Street  
Kansas City, MO 64106  
Secretary: Stacy O'Connor  
Phone: (816) 512-5775  
Courtroom Deputy: JoRita Gicinto  
Phone: (816) 512-5789

**RELATED SECTIONS**

**!** U.S. Bankruptcy Court  
Chief Judge Arthur B. Federman  
Judge Frank W. Koger

Judge Jerry W. Venters  
U.S. District Courthouse  
400 East Ninth Street

Kansas City, MO 64106  
Clerk's Office:(816) 512-1800

! U.S. Attorney's Office  
U.S. Attorney,  
Steven L. Hill, Jr.  
U.S. Courthouse  
400 East Ninth Street  
Kansas City, MO 64106  
(816) 426-3122

! U.S. Pretrial Services  
Chief Pretrial Services Officer,  
Ron Kline  
U.S. Courthouse  
400 East Ninth Street  
Kansas City, MO 64106  
(816) 512-1450

! ProSe Office  
J. Carter, ProSe Law Clerk  
M. McCoy, ProSe Law Clerk  
D. Cadoret, ProSe Law Clerk  
D. Weinzerl, Clerical Assistant  
U.S. Courthouse  
400 East Ninth Street  
Kansas City, MO 64106  
(816) 512-5090

! Probation Office  
Chief Probation Officer,  
Stephen M. Donnelly  
U.S. Courthouse  
400 East Ninth Street  
Kansas City, MO 64106  
(816) 512-1300

! U.S. Marshal  
Marshal, Robert Bradford English  
U.S. Courthouse  
400 East Ninth Street  
Kansas City, MO 64106  
(816) 512-2000

! Federal Public Defender's Office  
Federal Public Defender,  
Raymond C. Conrad, Jr.  
818 Grand Avenue, Ste. 300  
Kansas City, MO 64106  
(816) 471-8282

! Early Assessment Program  
B. Kent Snapp, Program Administrator  
Janet Atkins, Operations Generalist  
Debbie Starks, Administrative Asst.  
305 U.S. Courthouse  
400 East Ninth Street  
Kansas City, MO 64106  
(816) 512-5080

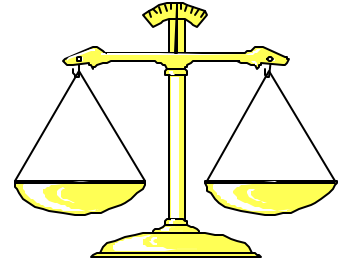
**KANSAS CITY CLERK'S OFFICE DIRECTORY**

(816) 512-5000

Patricia L. Brune	Clerk of Court (District/Bankruptcy)	5010
Cheryl LaBrecque-Wilt	Administrative Assistant/ Court Reporter Coordinator	5010
Paige Wymore-Wynn	Chief Deputy Clerk	5070
Diana Diaz	Administrative Analyst	5030
Tammie Cooper	Automation Training Specialist	5015
Randy Gladish	Systems Manager	5040
Rod Schrivener	Asst. Systems Manager	5045
Jay Holmes	Systems Admin-Bankruptcy	5042
Scott Schunk	Systems Administrator - Network	5041
Minh Van Tran	Systems Administrator - Network/PC Support	5043
Jeff MacKenzie	Automation Support Specialist	5044
Geoff Greene	Programmer/Analyst	5047
Bill Terry	Operations Manager	5055
Phyllis Travers	Data Quality Analyst	5056
Dorothy Cavallo	Case Processing - Intake	5058
April Mason	Operations Generalist-ERO/Intake	5057
Shannon Brogan	Appeals Clerk	5061
Cassaundra Honeycutt	Case Processing- Docketing	5053
Shelly Kendall	Case Processing - Docketing	5063
Susan Larson	Case Processing - Docketing	5064
Georgia Kee	Case Processing - Docketing	5054
Carol Kuhl	Case Processing - Docketing	5052
Steve Navarro	Case Processing - Docketing	5027
Ron Faust	Records Clerk	5069
Kenny Allen	Records Clerk	5068
Bonnie Rowland	Operations Generalist - Magistrate CRD	5062
Sharon Dover	Financial Administrator	5065
Laura Schwaller	Financial Assistant	5067
Ann Busterud	Financial Assistant	5066
Steve Alexopolous	Budget Analyst	5070
Craig Whitfield	Property and Procurement Clerk	5071
Sue Kneuen	Jury Administrator	5101
Kelsee Pierce	Jury Clerk	5102

# CLERK'S OFFICE GENERAL INFORMATION

## LOCATION OF FILES AND DOCKETS



All cases have distinctive numbers in the following format:

- ! A two-digit indicator of the year the case was filed;
- ! A hyphen and the individualized four-digit case number (civil) or, five-digit case number (criminal);
  - ! Criminal Only: Another hyphen followed by number 01, 02, etc. indicating the defendant number.
- ! The notation CV (Civil) or CR (Criminal);
- ! Another hyphen and the letter showing the division to which it was assigned;

For Example:

The first civil action number in 2000 would be 00-0001-CV-W-3.

The first criminal action number in 2000 would be 00-00001-01-CR-W-3.

All open cases or cases on appeal, which are not electronic, are maintained in the clerk's office. Closed cases are kept for three years after the final disposition of the case. Cases closed longer than three years are maintained at the Federal Records Center in Kansas City, Missouri. Questions regarding cases at the Federal Records Center should be directed to the Records Clerks.

## FEES OF THE U.S. DISTRICT COURT

FEE	ACTION
57.00	Admission of an attorney
15.00	Attorney admission certificate - duplicate
50.00	Attorney reinstatement fee
105.00	Appeal fee - notice
25.00	Appeal to a district judge from a judgment of a conviction by a magistrate
150.00	Application under Financial Privacy Act
15.00	Certificate of any document or paper
15.00	Certificate of Good Standing
150.00	Civil Complaint
225.00	Deposit for demand for trial de novo
20.00	Filing letters rogatory or letter of request
20.00	Filing of papers by trustee or receiver (28 USC Section 754)
20.00	Filing or indexing any paper not in a case in which no filing fee has been paid.
20.00	Foreign Deposition Subpoena
5.00	Habeas Corpus Petition
150.00	Motion to quash Administrative Subpoena
15.00	Name search and certification of same
25.00	Pro Hac Vice
20.00	Petition to perpetuate testimony
20.00	Registration of a Foreign Judgment (28 USC Section 1963)
.50	Reproduction of any record on paper (per page)
15.00	Reproduction of magnetic tape recordings
3.00	Reproduction of each microfiche or microfilm
25.00	Retrieval of a record from the Federal Records Center
25.00	Returned check fee (lack of funds)
100.00	Surety Bond (power of attorney) (20.00/division x 5 divisions = \$100.00)

Acceptable forms of payment are cash, check, or money order. No personal checks are accepted from debtor's filing bankruptcy. All checks are to be payable to "U.S. Courts." An order from the court is necessary to withdraw any registry monies that have been deposited with the court. All questions regarding financial transactions with the Court should be directed to the Financial Administrator.

## **SEARCHING FOR CASE INFORMATION**

All records in the clerk's office are filed and retrieved by case number. If the case number is unknown, a party index can be researched to identify the case number for a given party. The clerk's office makes the party index available to the public Monday through Friday from 9:00 a.m. to 4:30 p.m. If the clerk's office is expected to do such a search, a \$15.00 fee payable in advance is required for each name searched.

## **MICROFICHE**

Complete indexes of all cases and parties are provided for public review in the lobby of the clerk's office. The microfiche system permits the user to obtain information quickly. Printed pages of the microfiche can be obtained at .50 per page.

## **ELECTRONIC COURT INFORMATION**

### **Public Access to Court Electronic Records (Pacer)**

PACER is a dial-in service that allows the viewing and printing of non-certified electronic docket reports, bankruptcy claims registers, and listings of new cases using a computer. Searches can be performed for a case by participant name or case number. Once a case is found a docket report or claims register can be transmitted to the caller, ready to print on a printer.

PACER is available 24 hours a day, seven days a week with the exception of those times when computer maintenance is performed. In those instances, a message will appear when you dial into PACER.

To access PACER the following is needed: a personal computer, a 9600, 2400 or 1200 baud modem; and a communications software package that will emulate a vt100. The cost for this service is \$.60 a minute and access will be billed on a quarterly basis by the PACER Billing Center. If you would like to register, please complete the registration form (Attachment A) and send it to the PACER Billing Center listed on the form.

### **Web Page**

A web page for the U.S. District Court, Western Missouri is available from the University of Missouri, Law School - <http://www.law.umkc.edu/fdcwm/>. The site contains information such as administrative directives, local rules, court forms (.pdf format), model jury instructions and information on the Electronic Case Files (ECF) system.

## **REQUEST FOR REPRODUCTION OF DOCUMENTS**

The fee for clerk's office staff making copies is .50 per page. Paperclip and count the pages of the documents to be copied. Fees for copy work are paid in advance. Copy work must be requested in person or in writing, no phone requests will be accepted. You may be asked to return to pick up copy work, or it can be mailed to you.

## **ATTORNEYS ADMISSION TO PRACTICE - Local Rule #83.5**

Each applicant for admission shall file a written petition using a form provided by the clerk's office (Attachment B). The applicant must state the date he/she was admitted to practice by the Supreme Court of the State of Missouri. The petition shall be accompanied by the certificate of two members of this Bar and applicable admission fee. Members of this bar are also required to meet a continuing legal education requirement (Local Rule 83.5 (D)) and pay an annual fee (Local Rule 83.5 (E)).

Any attorney residing outside of this district and admitted to practice before, and in good standing with, the United States District Court in the district of residence or the courts of the state of residence, may, upon written motion, be permitted by this Court to appear and participate as an attorney in the trial of any action or the hearing of any motion, petition, etc. (Local Rule 83.5 (I)) The attorney seeking admission shall file a Petition for Admission Pro Hac Vice, provided by the clerk's office and pay the appropriate fee. (Attachment C)

### **Change of Address**

When firms change addresses or attorneys change firms the clerk's office must be notified in writing of the change, so that the address records remain accurate. The notification should include any case numbers and case styles for which that attorney is involved.

All questions regarding attorney admissions should be directed to the Administrative Generalist.

## **LOCAL RULES**

Paper copies of the Local Rules of Procedure for this district are available at any Western District of Missouri clerk's office. The Local Rules are also available on our web site.

## **TRANSCRIPTS**

Orders for transcripts should be directed to the court reporter who transcribed the proceeding. Orders for transcripts produced by electronic sound recording should be directed to the Electronic Recording Operators office, located in the clerk's office. (Attachment D).

## **TRIAL EXHIBITS**

Exhibits are not part of the case file and should be treated separately. Over-sized exhibits are to be presented at the time of trial. It is the practice of this court to return all trial exhibits at the completion of trial.



## **ACCELERATED DOCKETS**

In addition to regularly scheduled trials, the Western District of Missouri uses a trial format referred to as The Joint Accelerated Trial Docket for the trials of criminal and civil cases.

### **Criminal**

These dockets are held every 6-7 weeks. At the time of the arraignment of a defendant, the magistrate judge sets the case for trial on the next accelerated docket. The district judges reserve two (2) weeks for holding the trials. Cases that are assigned to a judge are tried by that judge, if possible. If there are more cases to be tried on the docket than judges, the first available judge will try the next case on the docket.

### **Civil**

There are two annual civil accelerated dockets. One held in the spring and one held in the fall. The district judges reserve two (2) weeks for holding these designated trials. Cases that are assigned to a judge are tried by that judge, if possible. If there are more cases to be tried on the docket than judges, the first available judge will try the next case on the docket.

## **THE EARLY ASSESSMENT PROGRAM**

The Early Assessment Program is the Western District of Missouri's experimental alternative dispute resolution program created by the "Civil Justice Reform Act of 1990". It includes all civil cases filed in the Western Division after January 1, 1992.

Once filed, a case may take one of four separate paths depending on the case type. First, it may be a case type considered ineligible for the program and be excluded. Those cases not excluded from the program are assigned to one of three tracks: (A) Automatic Inclusion, those required to participate in the program; (B) Voluntary Inclusion, those allowed to volunteer for the program; and (C) The Control Group, those not allowed into the program.

Once a case is assigned to the program by automatic inclusion, an early assessment meeting, similar to a settlement conference, will be scheduled approximately 30 days after all responsive pleadings are filed. Voluntary inclusion track cases are invited into the program once all responsive pleadings are filed and become part of the program if all parties consent to participate. If you have any questions or suggestions about the program please call the E.A.P. office : (816) 512-5080.

## **APPOINTMENT OF COUNSEL (CRIMINAL JUSTICE ACT)**

The following information is provided for the guidance of privately practicing attorneys appointed, pursuant to the Criminal Justice Act (18 U.S.C. §3006A), to represent a person financially unable to obtain adequate representation.

### **I. Duties of Appointed Counsel**

- A. Counsel named in the order of appointment (Form CJA 20) must personally appear at all proceedings. Counsel shall not delegate his responsibility to other counsel. Counsel who is unable to personally fulfill his or her obligation to a defendant because of health or other good reason should immediately so notify the Court or United States Magistrate Judge in writing.
- B. Counsel is required to secure the appearance of the defendant at all pretrial conferences and at all other proceedings requiring the appearance of the defendant.
- C. Counsel shall fulfill his or her professional responsibility as an officer of the Court, and the limited amount of compensation accruing in no respect diminishes such responsibility.
- D. Counsel appointed by a United States Magistrate Judge shall continue to serve until his or her representation is terminated by the provisions of the plan of the Court, adopted pursuant to the Criminal Justice Act of 1964, as amended by Public Law 91-447, or by Court order.
- E. Counsel shall report, to the Court or a United States Magistrate Judge, any change in the financial status of the person he or she was appointed to represent which indicates the ability of the person to finance all or part of the representation.

### **II. Termination of Appointment**

- A. Representation of a defendant in a criminal case shall terminate with the imposition of sentence following the acceptance of a plea of guilty or a plea of nolo contendere and the filing of a timely motion pursuant to Rule 35, Federal Rules of Criminal Procedure.
- B. Counsel shall, following the imposition of sentence in a criminal case where the defendant has been found guilty after trial, advise the defendant of his or her right to appeal and of his or her right of counsel on appeal. If requested to do so by the defendant, counsel shall file a timely notice of appeal. Counsel on appeal shall be appointed by the Court of Appeals. If the defendant does not request the filing of a notice of appeal, counsel shall file a statement that he or she has informed the defendant of his or her right to appeal and the defendant has advised that he or she does not desire to appeal, whereupon the representation will terminate.
- C. Representation in all other proceedings shall terminate when the purpose of the appointment is accomplished or when terminated by Court order.

### **III. Compensation**

- A. Counsel shall be compensated at a rate not exceeding \$60.00 per hour for time expended in court or before a United States Magistrate Judge, and at a rate not exceeding \$40.00 per hour for time reasonably expended out of court, and shall be reimbursed for expenses reasonably incurred.
- B. The maximum allowance permitted by 18 U.S.C. §3006A, for representation of a person before a United States Magistrate Judge and in the District Court, or both, is:

1.	Felony Case	\$ 3, 500.00
2.	Misdemeanor Case	1, 000.00
3.	Post-Trial Motion (made after entry of judgment)	750.00
4.	Probation Revocation	750.00
5.	Motion to Vacate	750.00
6.	Habeas Corpus (except in Death Penalty cases)	750.00
7.	Parole Revocation	750.00
8.	Material Witness	750.00
9.	Mental Competency (18 U.S.C. §4245)	750.00
10.	Civil or Criminal Contempt	750.00
11.	Grand Jury Witness	750.00

- C. The maximum allowance, permitted by 18 U.S.C. §3006A, for representation of a person in an Appellate Court is \$2,500.00.
- D. Payment in excess of any maximum amount provided in paragraph "B" herein immediately above may be made for extended or complex representation whenever the District Judge before whom the representation was rendered, or the United States Magistrate if the representation was furnished exclusively before him, certifies that the amount of the excess payment is necessary to provide fair compensation and the payment is approved by the Chief Judge of the Circuit or his delegate. In making a claim for excess compensation, the attorney shall set forth on the voucher the itemization of the time and expense along with a memorandum as to why he feels the case is either "extended" or "complex". Ordinarily, no case will be considered "extended" unless the trial lasts longer than five days. When the trial of a case before a District Judge or Magistrate Judge does not last longer than five days, the attorney shall confine the request for compensation to an amount not to exceed \$3,500.00. The only basis upon which compensation in excess of \$3,500.00 will be considered when the trial time is five days or less is if the attorney verifies that the case was "complex" and sets out the reasons why he believes the case was "complex." A case disposed of by a plea of guilty or dismissal of indictment or information may possibly be considered "complex" if it involves extraordinary investigation or extraordinary briefing or preliminary motions, etc.

**IV. Actual Expenses Other than for Expert or Other Services**

- A. Counsel shall be reimbursed for reasonable actual expenses incurred in the representation of a defendant.
- B. In determining whether actual expenses incurred are "reasonable," counsel shall be guided by the prevailing limits placed upon travel and subsistence of federal judiciary employees. Therefore, reimbursement for counsel appointed to represent a defendant before a United States Magistrate Judge or in the United States District Court for the Western District of Missouri shall be limited as follows:
  - 1. Actual subsistence, not to exceed the maximum daily allowance for the particular area for employees of the judiciary as fixed by the Director of the Administrative Office of the United States Courts. Lodging, meals, and all other allowable items of expense shall be itemized, and furnished with the Form CJA 20.
  - 2. Actual travel expenses shall not exceed:
    - a. Round-trip coach air fare
    - b. Round-trip taxi or public transit fare from office to airport, train station, or bus depot, and from airport to courthouse.
    - c. Private automobile mileage at the rate allowed for employees of the judiciary as fixed by the Director of the Administrative Office of the United States Courts, not to exceed the amount of round-trip coach air fare.
  - 3. Actual cost of Xerox or photocopy work, not to exceed 10 cents per page.

**V. Authorization for Obtaining Expert or Other Services**

- A. Prior authorization of the Courts should be obtained before obtaining investigative, expert, or other services; e.g., reporter's transcript, interpreter, investigator, psychiatrist, psychologist, other expert services. The maximum allowance, permitted by 18 U.S.C. §3006A, is \$1,000.00
- B. Investigative, expert, or other services may be obtained, where it is not possible to seek prior authorization, subject to later review. The maximum allowance, permitted by 18 U.S.C., §3006A, where prior authorization is not obtained, is \$300.00
- C. The request for prior authorization to obtain investigative, expert, or other services, shall be made on Form CJA 21 entitled "Authorization & Voucher for Expert or Other Services," which may be obtained from the Clerk of the Court. The Form CJA 21 shall be filled in by counsel and presented to the judge for approval. After the investigative, expert, or other services have been obtained, the completed Form CJA 21 shall be submitted to the Clerk of the Court.

**VI. Forms Obtainable from the Clerk of the Court**

- A. Form CJA 21 entitled "Authorization & Voucher for Expert or Other Services"
- B. Notice of Appeal (criminal only)

**VII. Preparation and Submission of Voucher for Services**

- A. The original, copy 1, and copy 2 of Form CJA 20 entitled "Appointment of and Authority to Pay Court Appointed Counsel" are to be completed by counsel, and delivered to the Clerk of the Court promptly and, in any event, not later than 45 days from the date of termination of the case or proceeding in this Court. After being audited and sent to the Judge for approval, the voucher will be entered on the computer by the CJA Clerk and the payment will then be made by the Administrative Office of the United States Courts, Washington, D.C.
- B. A claim for more than the maximum provided in 18 U.S.C. §3006A will delay the processing of the claim as it will require approval of the Circuit as well as the District Court Judge.

If you have questions or wish to request CJA forms, you may contact Ann Busterud, Financial Assistant (CJA Clerk).

# GENERAL FILING PROCEDURES

## FORMAT FOR FILINGS (Local Rule 5.1)

### Paper Size

All pleadings must be on 8-1/2" X 11" paper.

### Form

All pleadings presented for filing must be flat, unfolded and stapled in the upper lefthand corner.

### Copies Required

All pleadings must be filed in duplicate: an original for the court file and a copy for the judge. In consolidated matters, additional copies shall be filed for each consolidated case to which the papers apply.

### Style

- ! Please note that "et al" is not acceptable in the case caption of the complaint. FRCP 10(a).
- ! It is acceptable to use "et al" in subsequent filings.
- ! All subsequent pleadings must have a concise title.
- ! The address of the plaintiff must be listed in the complaint.

±	±
<p>UNITED STATES DISTRICT COURT</p> <p>WESTERN DISTRICT OF MISSOURI</p> <p>_____ DIVISION</p>	
<p>PLAINTIFF(S)</p> <p>(List all)</p> <p style="text-align: center;">v.</p> <p>DEFENDANT(S)</p> <p>(List all)</p>	<p>Case No. _____</p> <p>JURY DEMAND</p>
<p>COMPLAINT</p>	



### Signature Block

- !** Each attorney or pro se litigant must sign the last page of the complaint and all subsequent filings, and list address, telephone number and Missouri Bar Roll Number of attorney.

Respectfully submitted:

John Smith (Bar # 12097)  
Smith & Smith  
1234 Main St., Suite 100  
Anytown, MO 60001  
(816) 123-1111

Attorney for Acme  
Transportation, Inc.

**CERTIFICATE OF SERVICE: (FRCP 5)**

- ! Every pleading, brief, or memorandum filed must include a certificate of service stating that copies have been served on all parties or their attorneys.

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was this date served upon all counsel of record by placing a copy of the same in the United States Mail, postage prepaid, and sent to their last known address as follows:

Mr. Tim Smith  
Attorney At Law  
456 Main St.  
Anywhere, MO 60001

Ms. Ann Jones  
Attorney At Law  
789 Main St.  
Anywhere, MO 60001

\_\_\_\_\_, \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
(City) (State)

Attorney, Bar Roll Number  
Firm and Address  
Party Represented



## **ADDITIONAL FILING INFORMATION**

### **Where to File**

All pleadings, including copies for the judge, must be filed with the clerk's office. This is done to prevent confusion. Even if it is an emergency, or something the judge is expecting, the document should be filed with the clerk. In an emergency, chambers will be contacted and if necessary, the pleading will be hand-carried to the judge by the clerk's office staff.

### **Discovery**

No discovery materials will be accepted for filing with the court unless the judge has so ordered. Local Rule 26.4 is waived in pro se and inmate cases unless otherwise directed by the court. Interrogatories, and the answers thereto, Requests for Production or Inspection of Documents, and Requests for Admissions shall be served upon opposing counsel and/or unrepresented parties, **but shall not be filed with the court**, unless the court orders they be filed or the discovery is the subject of a motion. (Local Rule 26.4)

### **Deficient Pleadings**

Pursuant to Federal Rule of Civil Procedure 5(e), effective December 1, 1991, the Clerk of Court shall "...not refuse to accept for filing any paper presented for that purpose solely because it is not presented in proper form as required by these rules or any local rules or practices." The clerk's office, however, does inspect papers for such deficiencies which are then brought to the attention of the judge. The presiding judge in the case may then direct the clerk of court to strike any deficient pleading or have the attorney correct any deficiency.

### **Assignment of Judge**

The clerk's office has no discretion in the assignment of cases. Judges are assigned by random draw. (Administrative Directives apply)

# **FILING IN SPECIFIC CIVIL MATTERS**

## **COMPLAINT AGAINST A PRIVATE PERSON OR CORPORATION: FRCP 4**

### **Complaint**

Original and two copies for the court

### **Civil Cover Sheet**

A Civil Cover Sheet Form JS44 (Attachment E) must accompany the Complaint or Petition for Removal. The original and one copy of the civil cover sheet is required by the court. This requirement is not applicable to pro se litigants or persons held in custody by civil, state or federal institutions. (Local Rule )

### **Summons**

Original plus two copies are needed for each defendant to be served. (Attachment F) One copy is for the defendant, one copy comes back to the court with the service information, and one copy is for docketing within the court file. Service must be made by someone over the age of 18 who is not a party to the case. A motion and order for special process server is required to be filed.

### **Waiver of Service of Summons**

Waiver of service of summons is an entirely new concept introduced by proposed Rule 4(d). Its purpose is to reduce the costs incurred in service of summons on defendants. The concept is straightforward. Generally, a plaintiff will send a notice of commencement of the action and a request for waiver to the defendant. The defendant signs the waiver of service and returns it. When the waiver is filed with the clerk, the action proceeds as if service of summons and complaint had been made. (FRCP 4 - effective 12/01/93). (Attachments G, H)

### **Filing Fee**

\$150.00 payable to U.S. Courts, or an executed Motion to Proceed in Forma Pauperis, with a completed financial affidavit and a proposed order.

## **SUITS INVOLVING THE USA**

### **Complaint**

Court requires Original and two copies.

### **Civil Cover Sheet**

Original and one copy.

### **Filing Fee**

\$150.00/Motion to proceed in Forma Pauperis

## **SERVICE ON USA: FRCP 4(i)(1)**

### **U.S. Attorney General**

Requires copy of the Complaint and original plus two copies of the summons.

### **U.S. Attorney**

Requires copy of the Complaint and original plus two copies of the summons. See FRCP 4 (i)(1)(A) for special procedures in serving U.S. Attorneys

### **Agency being served**

Requires copy of the Complaint and original plus two copies of the summons.

## **REMOVAL OF CASE FROM STATE COURT: 28 USC § 1446 - 1449**

### **Notice of Removal**

A notice of removal with a copy of the complaint and all other pleadings which have been filed in the state court matter.

### **Civil Cover Sheet**

A JS-44C Civil Cover sheet.

### **Answer**

Answer by defendants to complaint (option). Defendant is allowed five (5) days to file answer after removal.

### **Notice of Filing**

The Notice of Filing of Removal in State Court may be attached to removal, but is not required for filing.

### **Filing Fee**

\$150.00

### **Additional Requirements**

The notice for removal must contain a short and plain statement of the facts which entitle the party to remove the cause to U.S. District Court together with a copy of all process, pleadings, and orders served upon the defendant in state court.

Promptly after the filing of the petition, the defendant(s) shall give written notice to the adverse parties, filing a copy of same with the clerk of the state court, which shall affect the removal and the state court shall proceed no further unless the case is remanded.

## **REGISTRATION OF A FOREIGN JUDGMENT IN OUR COURT: 28 USC § 1963**

### **Judgment**

A certified copy of the judgment from the other district court.

### **Form AO 451**

Form AO 451 (Certification of Judgment for Registration in Another District) from the other district. (Attachment I)

### **Filing Fee**

\$20.00

## **APPEALS: FEDERAL RULES OF APPELLATE PROCEDURE**

### **Notice of Appeal**

Filed with the district court. Will be forwarded to the appeals court.

### **Filing Fee**

\$105.00 paid to the district court

## **INMATE FILINGS**

42 USC § 1983, 28 USC § 2254, and 29 USC § 2255 forms may be obtained from the clerk's office. Financial affidavits are included.

# SUBSEQUENT FILINGS

## **AMENDED COMPLAINT: FRCP 15**

### Complaint

Original and one copy of the amended complaint for the Court.

### Summons

Original and two copies for each new defendant to be served or the Waiver of Service process may be used. (See Waiver of Service of Summons) If no additional defendants are added, the existing defendants must be provided with a copy of the amended complaint, but no summons is required.

### Filing Fee

None

**Note:** An amended complaint can be accepted only if no answer to the original complaint has been filed. If an answer has been filed, the party must motion the court for an order allowing the amended complaint to be filed or must secure the written consent of the adverse party.

When an Amended Complaint is filed the additional changes **should be** specially noted. (ie: defendants added)

## **DEPOSITION: FRCP 45**

### Subpoena

An original plus one copy which may be signed by the attorney per the federal rules. (FRCP 45(a)(3)) (Attachment J) Pursuant to FRCP 45(a)(3), attorneys have been given the power to issue subpoenas in a civil action. It is important that attorneys familiarize themselves with the new provisions since FRCP 45(c)(1) allows for sanctions if the subpoena power is abused. Listed below is general information regarding subpoenas.

### Notice of Taking Deposition

Not required, but will be accepted for filing, if available.

### Service

A process server must be used. It is not necessary that a form motion and order for the appointment of a process server be used.

### Witness Fees

Witness fees are \$40.00 per day plus .31 cents per mile.

### Filing Fee

None

## **GENERAL SUBPOENA INFORMATION**

### **Court Issuing Subpoena**

The first consideration in preparing a subpoena is to select the court that should issue it. The court may only issue subpoenas for events that will take place in the court's jurisdiction. For example, the subpoena should come from the district where the witness is to appear for trial or deposition or where the production or inspection of documents is to take place.

### **Form of a Subpoena**

FRCP 45(a)(1) explains the proper form for a civil subpoena. Forms are available at the clerk's office in each district.

### **Service of Subpoena**

Service can be made "by any person who is not a party and is not less than 18 years of age." FRCP 45(b)(1)

### **Proof of Service**

Proof of service does not need to be filed with the court. FRCP 45(b)(3).

### **Out-of-District Subpoenas**

Under the current version of FRCP 45, an attorney may directly issue a subpoena for a deposition to be taken in another district, request for production of documents or inspection of premises in other districts. The attorney simply prepares the subpoena in the name of the court where the deposition is to be taken. No fee or interaction with the clerk is involved.

### **Quashing or Modifying Subpoenas**

If a subpoena does not allow reasonable time for compliance or causes undue burden, the issuing court may by timely motion quash or modify the subpoena. FRCP 45(c)(3)(A) details the conditions by which the subpoena may be quashed or modified.

### **MOTION AND PROPOSED ORDER: (Local Rule 13)**

Motions in civil actions will be filed with a separately captioned proposed order. The proposed order should not be stapled to the motion.

### **SIGNATURE LINE OF PROPOSED ORDER**

**!** All proposed orders must contain a similar signature line.

Kansas City, Missouri this \_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

\_\_\_\_\_  
District Judge, \_\_\_\_\_  
Western District of Missouri



# POST-JUDGMENT INSTRUMENTS

## **CERTIFICATION OF JUDGMENT IN ANOTHER DISTRICT: 28 USC § 1963**

### **AO Form 451**

There is no fee for the preparation of AO Form 451 which will accompany the certified copy of the Judgment from our court to be registered in another district. (Attachment I)

### **Copy fee**

Fee of .50 per page for the reproduction of the Judgment

### **Certification Fee**

Fee of \$5.00 for the certification of the Judgment

### **Filing Fee**

None

## **WRIT OF EXECUTION: FRCP 69**

### **Fieri Facias**

Original and three copies.

### **Marshal's form**

Service is governed by the FRCP Rules 4 and 69. If the U.S. Marshal effectuates service, the Form 285 must accompany the Writ of Execution. If service is effectuated by the sheriff pursuant to state law, the sheriff's procedures should be followed.

### **Filing fee**

None

**Note:** The writ can be issued 10 days after entry of Judgment unless otherwise ordered by the court. If a notice of appeal has been filed and a supersedes bond posted, the Writ may not be issued. See attachment K for more information.



## TYPICAL CIVIL CASE FLOW

Actor	Action	Time Period	Rule
Plaintiff	File Complaint and Summons and Motion and Order for Special Process Server, if not attempted Waiver of Process		Local Rule FRCP 3 & 4
Intake	File stamp complaint, Assign case number, Return summons to Plaintiff for service, if applicable, File Motion and Order for Process Server, if applicable.	Immediately	FRCP 3 & 4
Process Server (if not attempting waiver of process)	Serve complaint and summons on defendant(s) in person or by mail and files return of service		FRCP 4
Defendant	Responds to complaint	Waiver of Service Excluded-60 days from date set; No Waiver of Service-within 20 days; 60 days if USA	FRCP 4 & 12
Parties	Initial Disclosure		FRCP 16 & 26
Case will proceed in accordance with FRCP 16 & 26 which became effective December 1, 1993.			
District Judge/ Courtroom Deputy	Sets trial date		
Parties	Mark exhibits and give exhibit list and bench book to courtroom deputy or if ordered, files list with clerk's office	Prior to commencement of trial	
Judge, Courtroom Deputy, Parties, Court Reporter	Trial held.		
Courtroom Deputy	Prepares judgment and minutes of trial		
Docket Clerk	Dockets Minute Entry and Judgment		
Parties	Pick up exhibits and retain during appeal process		

## CRIMINAL CASE FLOW

Actor	Action	Time Period	Rule
AUSA and Agent	Bring Complaint and Affidavit to Magistrate (Signed & sworn to by Agent.)		FRCrP 3
Magistrate Judge	Signs Complaint and authorizes issuance of arrest warrant or summons		FRCrP 4
Magistrate Courtroom Deputy	Assigns magistrate case number for complaint		
Pre-trial Services Officer	Notifies the magistrate judge for initial appearance	ASAP following arrest of deft.	FRCrP 5(a) and 9(c)(1)
Magistrate Judge	Advises defendant of rights and charges pending against him; determines eligibility of defendant to receive court-approved counsel (if applicable); determines conditions of release or temporary detention	At initial appearance	FRCrP 5; 18 USC § 3142
Magistrate Courtroom Deputy	Contacts defense counsel; prepares bond papers	Upon appointment	
Docket Clerk	Dockets minute entry from initial appearance; states date, time and place for preliminary examination and detention hearing if necessary		18 USC § 3142
Magistrate Judge	Holds preliminary examination and detention hearing, if necessary		FRCrP 5.1 18 USC § 3142
Grand Jury	Returns indictment	Within 30 days from initial appearance	18 USC § 3161; FRCrP 7
U.S. Attorney	Files information	Within 30 days from initial appearance	18 USC § 3161 and 3163; FRCrP 7
Court	Orders arrest warrant or summons issued	Upon request of U.S. Attorney at Grand Jury return	FRCrP 9
Docket Clerk	Docket Clerk assigns district court case number; docket clerk opens case file; issues warrant of arrest or summons	Same day as grand jury return	FRCrP 9
U.S. Marshal	Executes the warrant of arrest and summons		FRCrP 9
Magistrate Judge	Advises defendant of rights and charges pending against him; determines eligibility of defendant to receive court-approved counsel (if applicable); determines conditions of release or temporary detention	At initial appearance	FRCrP 5; 18 USC § 3142
Docket Clerk	Dockets minutes of initial appearance	Day received	
District Judge	Issues Order of Reference to Magistrate		28 USC § 636

Actor	Action	Time Period	Rule
Magistrate Judge	Holds arraignment and omnibus hearing. Sets deadline for motion filing and sets case on next accelerated docket.	Usually within 7 days of initial appearance	FRCrP 11
Courtroom Deputy	Prepares minutes of arraignment		
Docket Clerk	Dockets minute entry of arraignment and omnibus hearing		
Attorneys	File pretrial motions, discovery, etc.	Prior to trial as ordered by court	FRCrP 12, 15, 16
Judge or Magistrate Judge	Rules on motions	Prior to trial or referred to trial	
Judge	Accepts guilty plea		18 USC § 3161; FRCrP 10
Attorney	Mark exhibits and prepare list	Prior to trial	
Judge	Select jury (if applicable)	Day of trial	FRCrP 23
Judge, Attorney, and Jury	Try case; verdict returned		
Defendant	If convicted, reports to probation office to begin preparation of presentence investigation report	At conclusion of trial	
Probation Office	Prepares Pre-Sentence Investigation report (PSI)	Within 45 days of conclusion	FRCrP 32(c)
Attorney	Review completed PSI; specific time to file objections	Prior to date of sentencing	FRCrP 32(c)(2)(B)
Courtroom Deputy	Prepares notice of sentencing and sends to clerk's office		
Docket Clerk	Sends sentencing notice to parties		
Judge	Sentences defendant Advises defendant of right to appeal and time appeal must be filed.		FRCrP 32
Attorney	Files notice of appeal in open court or in clerk's office; orders transcript from court reporter	Within 10 days from entry of judgment	FRCrP 32(a)(2); FRAP 4 & 10
Appeal Clerk	Forwards record to court of appeal		FRAP 11